18.V RP

MONTANA LEGISLATIVE HISTORY

Chapter 472 1997

Bill H 53 S _____ Original bill & history ✓C

H. Committee on Human Services			S. Committee on Public Health		
Hearing Date(s)	_____	___C	Hearing Date(s)	_____	___C
	1/10	✓C		2/3	✓C
	_____	___C		_____	___C
	_____	___C		_____	___C
Date Out	1/17	✓C		3/12	✓

Did this bill originate in an interim committee? ___Yes X No

Committee _____ Report _____

LEGISLATIVE HISTORIES

The 1997 Montana Legislature dramatically changed the nature of legislative minutes. This altered format continues with the 1999 legislative minutes. The minutes from House committees are extremely sparse in content, offering no substantive information from which to glean legislative intent. The Senate committees' minutes are fuller in content.

Exhibits, which include written statements, attendent information, roll call votes, roll call attendance, a list of those from the public who were present, and specific action taken on legislative bills, will be available only through the Historical Society Archives, 444-4774, and from a CD-ROM produced by the Legislative Services Division, 444-3064.

Just as in the 1997 legislative session, the 1999 House and Senate committee hearings were recorded. For information on accessing the tapes, or purchasing them, contact the Archives, 444-4774.

If you have concerns over the format of these legislative minutes, it is suggested that you contact your state legislators.

IN A SCHOOL YEAR IF AN EQUIVALENT IS PROVIDED THROUGH LONGER SCHOOL DAYS

12/17	INTRODUCED		
1/06	FIRST READING		
1/06	REFERRED TO EDUCATION & CULTURAL RESOURCES		
1/10	HEARING		
1/20	COMMITTEE REPORT—BILL PASSED AS AMENDED		
1/22	2ND READING PASSED	85	14
1/23	3RD READING PASSED	81	15
	TRANSMITTED TO SENATE		
1/24	FIRST READING		
1/24	REFERRED TO EDUCATION & CULTURAL RESOURCES		
2/05	HEARING		
	DIED IN COMMITTEE		

HB 53 INTRODUCED BY BOHLINGER *LC0069 DRAFTER: PETESCH*

REVISE LAWS GOVERNING DISABILITIES

12/17	INTRODUCED		
1/06	FIRST READING		
1/06	REFERRED TO HUMAN SERVICES & AGING		
1/10	HEARING		
1/21	COMMITTEE REPORT—BILL PASSED AS AMENDED		
1/23	2ND READING PASSED	69	25
1/24	3RD READING PASSED	74	23
	TRANSMITTED TO SENATE		
1/25	FIRST READING		
1/25	REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY		
2/03	HEARING		
2/14	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/05	2ND READING CONCURRED	50	0
3/06	3RD READING CONCURRED	50	0
	RETURNED TO HOUSE WITH AMENDMENTS		
4/09	2ND READING AMENDMENTS CONCURRED	90	7
4/11	3RD READING CONCURRED AS AMENDED	78	18
4/20	SIGNED BY SPEAKER		
4/25	SIGNED BY PRESIDENT		
4/25	TRANSMITTED TO GOVERNOR		
5/02	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 472		
	EFFECTIVE DATE: 10/01/97		

HB 54 INTRODUCED BY BOHLINGER *LC0156 DRAFTER: EVERTS*

SET UNIFORM STATE AMBIENT SULFUR DIOXIDE STANDARDS

12/17	INTRODUCED
1/03	FISCAL NOTE REQUESTED
1/06	FIRST READING
1/06	REFERRED TO NATURAL RESOURCES
1/13	HEARING
1/13	FISCAL NOTE RECEIVED
1/16	FISCAL NOTE PRINTED
1/20	TABLED IN COMMITTEE
2/27	MISSED DEADLINE FOR 45TH DAY TRANSMITTAL
	DIED IN COMMITTEE

HOUSE BILL NO. 53

INTRODUCED BY BOHLINGER

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS GOVERNING DISABILITIES; SUBSTITUTING REFERENCES TO A PERSON WITH A DISABILITY FOR REFERENCES TO A HANDICAPPED PERSON; AND AMENDING SECTIONS 2-15-2205, 2-15-2212, 7-14-111, 7-15-4207, 7-15-4431, 13-3-201, 13-3-202, 13-3-203, 13-3-205, 13-3-207, 13-3-213, 13-13-211, 15-6-201, 15-30-114, 15-30-115, 18-5-101, 18-5-102, 18-5-103, 20-7-401, 20-25-707, 22-1-103, 33-22-304, 33-22-506, 33-30-1003, 33-30-1004, 37-15-101, 37-30-307, 37-31-301, 37-31-308, 39-2-912, 39-3-406, 39-30-101, 39-30-102, 39-30-103, 39-30-106, 39-30-107, 39-30-201, 39-30-202, 39-30-203, 39-71-901, 39-71-903, 39-71-904, 39-71-905, 39-71-906, 39-71-907, 50-1-202, 50-5-105, 50-60-201, 52-1-103, 52-2-113, 53-2-201, 53-4-607, 53-7-101, 53-7-102, 53-7-105, 53-7-301, 53-7-306, 53-18-101, 53-18-103, 53-18-105, 53-19-102, 53-19-301, 53-19-302, 53-19-306, 53-19-307, 53-19-310, 53-20-102, 53-20-142, 53-20-148, 53-20-202, 53-20-203, 61-3-332, 61-3-454, 61-12-504, 69-3-307, 77-2-318, 87-2-706, 87-2-803, 90-6-103, AND 90-7-104, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 2-15-2205, MCA, is amended to read:

"**2-15-2205. Division of visual services.** There is a division of visual services within the department of public health and human services. The division head is an administrator appointed by the director of the department of public health and human services in accordance with classification requirements. The division is responsible for administration of rehabilitative and other services for blind ~~and visually handicapped~~ persons and persons with low vision."

Section 2. Section 2-15-2212, MCA, is amended to read:

"**2-15-2212. Committee on telecommunications services for ~~the handicapped~~ persons with disabilities -- composition -- allocation.** (1) There is a committee on telecommunications services for ~~the handicapped~~ persons with disabilities.

(2) The committee consists of 11 members appointed by the governor as follows:

Questions From Committee Members and Responses:

REP. DEB KOTTEL. *{Tape: 3; Side: A; Approx. Time Count: 14.5; Comments: Questioned Ann Gilkey.}*

REP. DEB KOTTEL. *{Tape: 3; Side: A; Approx. Time Count: 17.8; Comments: Questioned Rep. Soft.}*

REP. WES PROUSE. *{Tape: 3; Side: A; Approx. Time Count: 24.6; Comments: Questioned Ann Gilkey.}*

REP. BILLIE KRENZLER. *{Tape: 3; Side: A; Approx. Time Count: 25.0; Comments: Questioned Ann Gilkey.}*

REP. BRUCE SIMON. *{Tape: 3; Side: A; Approx. Time Count: 26.8; Comments: Questioned Ann Gilkey.}*

{Tape: 3; Side: B; Approx. Time Count: .1; Comments: Continued questioning Ann Gilkey.}

REP. BRUCE SIMON. *{Tape: 3; Side: A; Approx. Time Count: 8.0; Comments: Questioned Paul Lamphier.}*

Closing by Sponsor: REP. SOFT closes. *{Tape: 3; Side: A; Approx. Time Count: 8.9; Comments: None.}*

HEARING ON HB 53

Sponsor: REP. JOHN BOHLINGER, HD 14, introduced the bill. *{Tape: 3; Side: A; Approx. Time Count: 9.7; Comments: Rep. Bohlinger offered an amendment.}*

Proponents: James Meldrum, Governors's Advisory Council. *{Tape: 3; Side: B; Approx. Time Count: 14.8; Comments: None.}*

Mark Cress, Dept. of Administration. *{Tape: 3; Side: B; Approx. Time Count: 17.6; Comments: None.}*

Geralyn Driscoll, Office of Public Instruction. *{Tape: 3; Side: B; Approx. Time Count: 18.5; Comments: None.}*

Opponents: None

Questions From Committee Members and Responses:

REP. DEB KOTTEL. *{Tape: 3; Side: B; Approx. Time Count: 19.0; Comments: Questioned Mark Cress.}*

REP. BRUCE SIMON. *{Tape: 3; Side: B; Approx. Time Count: 21.2; Comments: Questioned Rep. Bohlinger.}*

REP. DEB KOTTEL. *{Tape: 3; Side: B; Approx. Time Count: 23.8; Comments: Questioned Rep. Bohlinger.}*

Closing by Sponsor: Rep. Bohlinger closed. ***{Tape: 3; Side: B; Approx. Time Count: 27.0; Comments: None.}***

{Tape: 4; Side: A; Approx. Time Count: .1; Comments: None.}

EXECUTIVE ACTION ON HB 33

Amendments: None

Motion: REP. BRUCE SIMON moved HB 33. REP. LOREN SOFT second the motion.

Vote: The motion carried. 14 - 0.

EXECUTIVE ACTION ON HB 53

Amendments: REP. DIANE SANDS. *{Tape: 1; Side: A; Approx. Time Count: 7.4; Comments: REP. SANDS moved the first and second set of amendments.}*

Motion:The motion carried. *{Tape: 1; Side: A; Approx. Time Count: 7.8; Comments: None.}*

Discussion: *{Tape: 1; Side: A; Approx. Time Count: 8.1; Comments: Discussion continued on HB 53.}*

Motion: REP. KRENZLER MOVED HB 53 DO PASS AS AMENDED. *{Tape: 1; Side: A; Approx. Time Count: 18.9; Comments: None.}*

Motion: REP. KOTTEL MOVED TO ADOPT THE LANGUAGE "CHALLENGED". WHERE THE WORD DISABLE IS INSERT THE WORD "CHALLENGED". *{Tape: 1; Side: A; Approx. Time Count: 19.2; Comments: None.}*

Discussion:*{Tape: 1; Side: A; Approx. Time Count: 20.4 Comments: The committee discussed REP. KOTTEL'S AMENDMENT.}*

MOTION: REP. KOTTEL withdrew her motion. *{Tape: 1; Side: A; Approx. Time Count: 24.2; Comments: None.}*

DISCUSSION:*{Tape: 1; Side: A; Approx. Time Count:24.9; Comments: None.}*

VOTE: HB 53 DO PASS AS AMENDED 11-5. *{Tape: 1; Side: A; Approx. Time Count: 28.8; Comments: None.}*

EXECUTIVE ACTION ON HB 46

REP. SQUIRES requested to delay taking action on HB 46. *{Tape: 1; Side: A; Approx. Time Count: 31.0; Comments: None.}*

REP. SMITH. *{Tape: 1; Side: A; Approx. Time Count: 33.8; Comments: REP. SMITH submitted to the committee informational testimony. See Exhibit 2.}*

EXECUTIVE ACTION ON HB 146

Motion: REP. BOHARSKI MOVED HB 146 DO PASS.
{Tape: 1; Side: A; Approx. Time Count: 36.3; Comments: None.}

Discussion: *{Tape: 1; Side: 1; Approx. Time Count: 37.3; Comments: Discussed on Rep. Boharski's motion.}*

Motion: REP. GRIMES moved to adopt the Grimes amendment.
{Tape: 1; Side: 1; Approx. Time Count: 38.0; Comments: None.}

Discussion: *{Tape: 1; Side: A; Approx. Time Count: 38.2; Comments: Discussion on the amendments.}*

MINUTES

MONTANA SENATE
55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON PUBLIC HEALTH, WELFARE, & SAFETY

Call to Order: By **CHAIRMAN STEVE BENEDICT**, on February 3, 1997, at 3:25 PM, in Room 410.

ROLL CALL

Members Present:
Sen. Steve Benedict, Chairman (R)
Sen. James H. "Jim" Burnett, Vice Chairman (R)
Sen. Larry L. Baer (R)
Sen. Chris Christiaens (D)
Sen. Bob DePratu (R)
Sen. Dorothy Eck (D)
Sen. Sharon Estrada (R)
Sen. Eve Franklin (D)
Sen. Fred Thomas (R)

Members Excused: None

Members Absent: None

Staff Present: Susan Fox, Legislative Services Division
Karolyn Simpson, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing(s) & Date(s) Posted: HB 53, SB 229, 1/27/97
SB 61, 1/29/97
SB 254, 1/31/97
Executive Action: None

HEARING ON HB 53

Sponsor: REP. JOHN BOHLINGER, HD 14, Billings

Proponents: James Mildrum, MT Independent Living Project
Marc Cress, Department of Administration
Bob Jahner, Department of Health and Human Serv.
Karen Strege, MT State Library
Robert Runkel, Office of Public Instruction

Opponents: None

Opening Statement by Sponsor:
REP. JOHN BOHLINGER, HD 14, Billings, said we communicate with one another with the words we use, our facial expressions, and our gestures. Through time, the meaning of words change, and the intent of the message changes as word usage changes. The word "handicapped," as it relates to a person, came from the old English expression meaning beggars or person with cap in hand, who stood on crowded street corners asking for a hand out. The Governors advisory council on disability requested the statutes and contracts be revised, substituting a reference to a handicapped person with a person with a disability. The proposed changes reflect current language in federal law dealing with disability, such as the Americans with Disability Act and the National Rehabilitation Act. Consistency in terminology promotes understanding and ease in the administration of government programs. HB 53 reflects all of the changes in language to be made in Montana law. The new language says people with disabilities are people who have a disability.

Proponents' Testimony:
James Mildrum, Montana Independent Living Project, testified in support of HB 52. **(EXHIBIT 1)**

Marc Cress, Administrator, Montana State Personnel Division, spoke in support of HB 53, saying it is makes appropriate changes in the law. All of the language being changed is changing language only and not changing the intent or substance.

Bob Jahner, Department of Health and Human Services, said they are requesting HB 53 be amended to take care of one technical point. **(EXHIBIT 2)** He referred to page 41, there is a reference to a person with blindness or low vision is eligible for vocational rehabilitation services. The amendment would insert the words "a disability due to."

Karen Strege, Montana State Library, spoke in support of HB 53. **(EXHIBIT 3)**

Robert Runkel, Administrator, Division of Special Education, Office of Public Instruction, said they support HB 53 for all of the reasons previously stated, including the fact that the changes are consistent with the requirements for individuals with disabilities education.

Opponents' Testimony: None

Questions From Committee Members and Responses:
SENATOR SHARON ESTRADA asked whether signs in parking lots have handicapped printed on them or is it just the symbol.

Constance Enzweiler, Department of Administration, said this bill would not require anyone to buy new parking signs and the signs, in Montana, do have the word "handicapped" on them. Other states

have made changes to read "reserved" plus the international sign for persons with mobility disabilities.

CHAIRMAN STEVE BENEDICT asked how this bill would affect parking decals and the description in the statutes, whether it would eliminate handicapped language and read "persons with disabilities" decals.

Constance Enzweiler said language would be changed in the statutes it but would not affect the signs, but would only affect those who are eligible.

CHAIRMAN BENEDICT asked about the provisions to change signs to conform with the language in the statutes.

Constance Enzweiler said it is not in this bill.

SENATOR ESTRADA asked about future changes in signs.

Constance Enzweiler said they will read "reserved parking."

CHAIRMAN BENEDICT asked **REP. BOHLINGER** if he agreed with the amendments. **REP. BOHLINGER** replied he had no problem with the amendment.

SENATOR FRED THOMAS asked if there are other changes or is it just a change in language reference.

Constance Enzweiler said there are other minor technical changes to conform with current usage, but there are no substantive changes in any of the statutes.

SENATOR THOMAS asked if this is to change every reference that could be found from "handicapped" to "person with a disability," and that is the context of this bill entirely.

Constance Enzweiler said that is right. The type of technical changes to be made are changing "mentally ill" to persons with "mental illness."

SENATOR ESTRADA asked **James Mildrum** to clarify the statement he had made about people born without fingers, toes, etc. and he included skin color in this list, and whether he wanted the committee to consider skin color as a disability.

James Mildrum said he did not.

SENATOR CHRISTIAENS asked about vocational rehabilitation listed in the bill, how it conforms with federal law, and is this furthering benefits for someone with disabilities.

Constance Enzweiler said this does not expand further current benefits. She said the amendment made in the House expanded

benefits and the amendment proposed by **Bob Jahner** would eliminate this expansion and go back to the original bill.

SENATOR CHRISTIAENS said he is concerned how that might apply for services for someone with a disability for vocational rehabilitation, which has both state and federal requirements.

Constance Enzweiler said with the amendments **Bob Jahner** proposed will put it right.

Closing by Sponsor:
REP. JOHN BOHLINGER said the amendments, on behalf of the Department of Health and Human Services, will address some of the concerns expressed and the amendments proposed by **Bob Jahner** will provide the necessary cleanup. The amendments suggested by **Karen Strege** will make the bill more workable. The concern expressed for buying new signs is legitimate, and there is no requirement to buy new signs. Signs will be changed as they wear out and replaced by new signs with just the international symbol. The changes in language of HB 53 gives dignity and respect to individuals with disabilities.

HEARING ON SB 229, SB 254

Sponsor: SENATOR FRED THOMAS, SD 31, Stevensville

Proponents: Kathy McGowan, Mental Health Center
John Lynn, Western MT Mental Health Center
Dave Pesttik, Managing Resources MT
Jim Parker, Managing Resources MT, Region 5
Steven Lee, Managing Resources MT, Region 1
Candace Powell, Mental Health Center, Kalispell
Frank Lane, Eastern MT Mental Health Center
Dan Anderson, Department of Health

Opponents: Carol Burroughs, Clinical Mental Hlth Counselors Assn.
Bob Torres, MT Chapter, Assn. Licensed Social Workers
Gloria Hermanson, MT Psychological Assn.
Mary McCue, MT

Opening Statement by Sponsor:
SENATOR FRED THOMAS, SD 31, Stevensville, said to consider SB 229 only, because SB 254 was irrelevant. In mental health centers around the state, some professional counselors have not been required to be licensed. Now, the mental health managed care system has created a change. The contractors for the mental health managed care are requiring all counselors to be licensed to continue in their current positions. There are about 15 counselors who are affected by this requirement. SB 229 allows the law to change the requirements for a period of time, and with the amendments **(EXHIBIT 4)**, the law would be in effect the day the bill is signed by the Governor, giving these counselors 14 days to apply for licensure and would have until July, 1998 to

EXECUTIVE ACTION ON HB 53

Motion: **SENATOR ECK moved HB 53 BE CONCURRED IN.**

Discussion: **Susan Fox** said there were two sets of amendments submitted during testimony.

CHAIRMAN BENEDICT said one set is from the Library Association **(EXHIBIT 20)** and the other from the Department of Health. **(EXHIBIT 21)** They are clarifying amendments.

Motion: **SENATOR THOMAS moved the AMENDMENTS to HB 53 DO PASS.**

Discussion: **CHAIRMAN BENEDICT** asked **Susan Fox** if both amendments were combined into one. **Susan Fox** replied that she had.

Vote: **The DO PASS motion for the AMENDMENTS to HB 53 CARRIED UNANIMOUSLY.**

Motion/Vote: **SENATOR ECK moved HB 53 BE CONCURRED IN AS AMENDED. The motion CARRIED UNANIMOUSLY.**

EXECUTIVE ACTION ON SB 297

Motion: **SENATOR THOMAS moved SB 297 DO PASS.**

Discussion: **SENATOR BAER** said he has an amendment.

CHAIRMAN BENEDICT said there are some amendments that are being talked about.

SENATOR BAER asked if they are small amendments.

CHAIRMAN BENEDICT said he has some concerns also. He proposed a conceptual amendment.

Motion: **SENATOR BAER moved the amendments to SB 297 DO PASS.**

Susan Fox explained the amendment. Page 1, line 20, following "may" insert "with parental consent."

SENATOR ECK said she has a question because **Mickey Nelson** said three autopsies he had done in Helena showed signs of abuse. She asked if that means they may not do an autopsy without parental consent.

SENATOR BAER said under another code, the coroner is given the discretion to order an autopsy if they feel there has been foul play of any kind, so this amendment would not affect that.